

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Francis A. Peck, Jr., legal owner of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an D.R. 3.5 and D.R. 16 zone to an B.R. zone; for the following reasons:

1. Error in zoning map (See attached brief).

See attached description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for:

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above reclassification and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to be and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract purchaser
Address: 1923 York Road
Towson, Maryland 21093

Protestant's Attorney
Address: 21 W. Susquehanna Avenue
Towson, Maryland 21204

ORDERED BY The Zoning Commissioner of Baltimore County, this 3rd day of August, 1974, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the public hearing be held before the Zoning Commission of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 15th day of September, 1974, at 11:00 o'clock.

John M. McGuire
Zoning Commissioner of Baltimore County

(over)

As in the Lipchin case, the petitioners, Francis and Chester Peck stood idly by and slumbered while the County Council adopted the zoning maps on March 24, 1971, then only months thereafter attempt to argue that the Council erred through failure to recognize a substantial change in the neighborhood and thereby subsequently zoning the subject property D.R. 16 and D.R. 3.5; and as in the Lipchin case, supra, the protestants counter with testimony that traffic is already overwhelmingly heavy on the main arteries and that the intersection involved is at best hazardous and seldom used to exit the community.

Prior to the institution of the present action, the Northampton Community Association united as one to battle His Eminence, Lawrence Cardinal Shehan, Roman Catholic Archbishop of Baltimore, over his petition for reclassification of a tract of land fronting both on York and Ridgely Roads and going behind the Ford Motor Company Property located on the northeast corner of York and Ridgely. The northern boundary of the Archbishop's property met the southern boundary of the property owned by the Pecks and by the rest of the Northampton residents whose property fronted on the south side of Northampton.

The association took their battle to the Court of Appeals, however, while said appeal was pending, entered into an Agreement with the Archbishop whereby they would dismiss their appeal and receive certain concessions designed to insulate their property from the proposed commercial development. Among other items, a twelve foot buffer strip or "planting strip", as it is called in the Agreement, was to be maintained on the northern boundary; said strip to be maintained by the Northampton property owners.

File #72-55-R
EUGENE H. HAFNER AND
S. WILSON HAFNER, HIS WIFE
GILBERT E. STOVER AND
JAMES I. STOVER, HIS WIFE AND
STELLA LEVY, WIDOW
PROTESTANTS-APPELLANTS
v.
CHESTER A. PECK, JR., ET AL

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
AT LAW
Misc. docket 9
Folio 345
Case No. 5735

MEMORANDUM OPINION AND ORDER OF COURT

This appeal comes to us following a decision by the County Board of Appeals wherein they reversed the Zoning Commissioner of Baltimore County, and granted the reclassification of 0.4 acres belonging to Francis and Chester Peck, from D.R. 3.5 and D.R. 16 to B.R. zone.

The subject property is located on the southeast corner at the intersection of York and Northampton Roads, 8th District, Central Sector. The property is rectangular in shape, with approximately 55 feet frontage on York Road, and is elevated approximately 8 feet above York Road with the westernmost edge fronting along York Road.

Petitioner has owned the subject property for over twenty-four years, and is the original owner of the home built thereon. The basis for his petition is twofold: first, that the zoning map adopted by the County Council on March 24, 1971, was in error; and second, that since the time the property was zoned R. 10 (residential, 10,000 square feet lot size), the area around the subject property has so substantially changed as to render the property unfit for any use other than commercial.

Rec'd 4-24-74
9:35AM

In the instant case, there was testimony presented by the petitioner that "it was the intention of the Planning Board to leave a sixty foot buffer strip between the Peck property and the shopping center to the south, but by error this strip was reduced to five feet so that the commercial use to the south could run almost up to the south side of the Peck property, (or any of the other properties adjacent to this commercial tract)." Petitioner argues that since this error was committed the inconsistent zoning of his property is also error. The Court, however, is of the opinion that regardless of any error leading to the sixty foot strip becoming five feet, it may not be imputed to the zoning of the subject property.

In the event no error exists, petitioner argues, also, that the area has so substantially changed as to mandate a reclassification of his property for commercial use. Petitioner testified that when he first took possession of the Northampton property, he was able to gaze across York Road and see gently rolling hills and animals frolic in the fields and that now he need only fall out of bed and be able to shop at an enclosed mall, buy a car, shop for food, or go the bank to pay for all of the above. Also, he also cannot, as in the Lipchin case, supra, use his property for apartments because the property size would prohibit profitable operations; and it has been impossible to sell the property for residential use, the \$120,000.00 price tag not withstanding.

We note the strong dissenting opinion filed by John A. Slowick, Chairman of the County Board of Appeals. Testimony indicated the intent of reclassifying the subject property to D.R. 3.5 and D.R. 16, along with an adjoining strip of land running north along the east side of York Road is to prevent "strip commercialization" along York Road, and also to provide a buffer or transitional zone between York Road and the single family residences to the east.

The Court has reviewed the transcript of record, including all exhibits, considered the oral argument and read memorandums submitted, in order to reach its conclusion.

The Court of Appeals has reiterated many times the principles to be followed by this Court in reviewing a zoning matter from the County Board of Appeals. Judge Singley, in C.C. Haldemann vs. Board of County Commissioners of Howard County, et al., 253 Md. 298 (1969) said:

"We have often repeated the principles here applicable: Courts have no power to rescind, and may not substitute their judgment for that kind of expertise of the zoning authority. Kirkman vs. Montgomery County Council, 251 Md. 273, 247 A. 2d. 255 (1968); Rowley vs. Hospital for Consumption, Inc., 246 Md. 197, 227 A. 2d. 746 (1967); Board of County Commissioners for Prince George's County vs. Farr, 242 Md. 315, 218 A. 2d. 923 (1966). It has long been settled that the zoning authority's determination is correct if there were such legally sufficient evidence as would make the question fairly debatable. Ark Red-Mix Concrete Corp. vs. Smith, 251 Md. 1, 246 A. 2d. 220 (1968); Mayor and City Council of Greenbelt vs. Board of County Commissioners for Prince George's County, 247 Md. 670, 234 A. 2d. 140 (1967). Further, the one who attacks the determination made by the authority must show that it was arbitrary, unreasonable, or capricious. Kirkman vs. Montgomery County Council, supra; Angelina, Inc. vs. Jones, supra; Rowley vs. Hospital for Consumption, supra; Mayor and City Council of Baltimore vs. Saper, 230 Md. 391, 186 A. 2d. 684 (1962). The appellants' proof falls short of establishing that the board abused the discretion vested in it by law".

In a recent case, Trainer, et al. vs. Earl Lipchin, et al., 269 Md. 667, the Court of Appeals, while not specifically quoting the Haldemann case, supra, reaffirmed, citing Stratkins vs. Beauchamp, 268 Md. 643. The Court noted many cases in applying the test that:

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Mr. Slowick continues to say that "...petitioner's testimony that he cannot sell the property for residential use is not persuasive enough to warrant its reclassification to B.R. His asking price of \$120,000.00 certainly is not a residential sale price, as borne out by an expert realtor who testified that he thought \$60,000.00 would be a realistic price that would find a ready market among professional people."

In its present classification the property, as was testified to, could be used for offices with only the necessity of applying for a use exception and a parking permit; a use directly in line with the Planning Board's recommendation and also preserving the essential character of the Northampton community.

The question on judicial review is whether or not the action of the Board is arbitrary and discriminatory or fairly debatable. Citing the Lipchin case, supra, the Court is of the opinion that the Board's action was arbitrary and discriminatory and therefore their decision reversing the Zoning Commissioner is hereby reversed.

For the reasons stated and in conformity with the foregoing opinion, it is this 26th day of April, 1974, by the Circuit Court for Baltimore County ORDERED that the Order of the County Board of Appeals for Baltimore County dated the 13th day of September, 1974, is hereby reversed.

John M. McGuire
John M. McGuire
JUDGE

April 26, 1974

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"...where a legislative body, or a board of county officials, pursuant to authority conferred upon it, has granted a rezoning of property, the question on judicial review is whether or not such action is arbitrary and discriminatory or fairly debatable. Montgomery County vs. Pleasant, 266 Md. 462, 295 A. 2d. 216 (1972); Himmelhar vs. Charnock, 258 Md. 636, 267 A. 2d. 179 (1970); Cherry Chase Village vs. Montgomery County, 258 Md. 27, 264 A. 2d. 861 (1970); Smith vs. Co. Commissioners of Howard County, 252 Md. 200, 249 A. 2d. 708 (1969). We shall follow that test in considering this appeal."

"While, in recent years, we have had occasion to enunciate a number of important principles applicable to the law of zoning, perhaps none is more rudimentary than the strong presumption of the correctness of original zoning and of comprehensive rezoning. To sustain a piecemeal change in circumstances such as these present here, strong evidence of mistake in the original zoning or comprehensive rezoning or evidence of substantial change in the character of the neighborhood must be produced. Rockville vs. Rowley, 268 Md. 469, 302 A. 2d. 45 (1973); Bellevue vs. Prince George's County, 264 Md. 410, 412, 286 A. 2d. 772 (1972); Crawell vs. Baltimore Aviation, 257 Md. 712, 264 A. 2d. 838 (1970). Since we have also said, this burden is onerous, Cabin John Ltd. vs. Montgomery County, 252 Md. 661, 271 A. 2d. 171 (1970); Crawell vs. Baltimore Aviation, supra; Wells v. Pierpont, 253 Md. 554, 253 A. 2d. 749 (1969), the task confronting appellants (appellees), whose application followed the comprehensive rezoning by merely four months is manifestly a difficult one." 268 Md. at 652-53 (emphasis in original).

The case at bar is so strikingly similar to the case of Frank Trainer, et al. vs. Earl Lipchin, et al., supra, that the only substantial difference is Northampton Community is not listed as a historic district by the Maryland Historical Trust, nor has it been nominated to the National Register of Historic Sites and Places; we, therefore, are bound by its decision.

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BOUNDS, SHORT & KENNEDY

ROLAND R. BOUNDS
KENNETH F. SHORT
JOSEPH E. KENNEDY
FREDERICK L. DEWEY, JR.
JOHN D. BACHING
GEORGE WINTER (JUL)

111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

March 1, 1972

County Board of Appeals
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Attention: Mrs. Edith I. Eisenhart,
Administrative Secretary

Re: Case No. 72-55-R
Chester A. Peck, Jr., et al.
for rec. from D.R. 3.5 and D.R. 16 to B.R.
SE corner, York and Northampton Roads
8th District - Central Sector
12/3/71 - Z.C. Denied Reclassification

Dear Mrs. Eisenhart:

Please enter my appearance as attorney for the Northampton Community Association, Inc. in the above entitled matter and see that I receive copies of all pertinent correspondence.

Very truly yours,

Roland R. Bounds

RRS:ajk

MAY 17 1976

RE: RECLASSIFICATION FROM D.R. 3.5 : BEFORE
AND D.R. 16 TO B.R. ZONE : COUNTY BOARD OF APPEALS
SE corner York and Northampton Roads :
8th District, Central Sector : OF
Chester A. Peck, Jr., et al : BALTIMORE COUNTY
Petitioners : No. 72-55-R

OPINION

This case comes before the Board on an appeal by the Petitioner from an Order of the Zoning Commissioner dated December 3, 1971 denying the subject petition. The Petitioner herein seeks a zoning reclassification from an existing D.R. 3.5 and D.R. 16 (Density Residential 3.5 dwelling units per acre and 16 dwelling units per acre) to a B.R. (Business Roadside) classification.

The subject property is located at the southeast corner at the intersection of York and Northampton Roads. It is a rectangular shaped piece of property, with the exception of the radius at the aforementioned intersection, having a frontage on York Road of approximately 95 feet, and comprising four-tenths of an acre in area. The property is elevated approximately six to eight feet above York Road at the westernmost edge fronting along York Road, and contains a residence presently occupied by the Petitioner. The subject property has been further reduced in size due to takings by the State Road Commission.

The property fronting on York Road immediately to the south of this property extending southward to Ridgely Road, and comprising a parcel of approximately 22.74 acres, was the subject matter of a previous case before this Board (Case No. 68-29-RSPH) wherein this Board granted that Petitioner's request for a reclassification for two of the three parcels, one of which comprised a strip 60 feet wide between the southern boundary line of Mr. Peck's property, and the remainder of the property fronting on York Road, which was reclassified to B.R. zoning. The 60 foot strip referred to was granted a special exception for parking, as petitioned. This Order was appealed to the Circuit Court for Baltimore County and affirmed. It was then appealed to the Court of Appeals by the protestants, and prior to the trial the protestants and the petitioner entered into an agreement dismissing

RE: PETITION FOR RECLASSIFICATION : BEFORE
from D.R. 16 zone to B.R. zone : COUNTY BOARD OF APPEALS
Southeast Corner of York and :
Northampton Roads : OF
8th District - Central Sector :
Chester A. Peck, Jr., et al : BALTIMORE COUNTY
Petitioners : No. 72-55-R

DISSENTING OPINION

This Board member dissents from the majority opinion in the above referenced case for the following reasons:

It is my opinion, through strong reliance on the testimony of Mr. Frank Fisher, Assistant Chief, Master Planning Section, Baltimore County, that the County Council, upon adopting the Comprehensive Zoning Map for the area on March 24, 1971, did not err when it deliberately reclassified the subject property to D.R. 3.5 and D.R. 16 along with an adjoining strip of land running north along the east side of York Road. This positive action by the Council purposely prevents the development of strip commercialization along this frontage. At the same time, it recognized that said strip, being located along heavily traveled York Road and opposite an industrial park, should be given some zoning that would permit its use for other than private dwellings. A D.R. 16 with a special exception for offices and a use permit for parking in the D.R. 3.5 portion of the property would accomplish this purpose. Such zoning allows a reasonable use for the subject, and at the same time establishes a proper transition use between the highway and the single family residences to the rear.

Petitioner's testimony that he cannot sell the property for residential use is not persuasive enough to warrant its reclassification to B.R. His asking price of \$120,000.00 certainly is not a residential sale price, as borne out by an expert realtor, who testified that he thought \$60,000.00 would be a realistic price that would find a ready market among professional people.

Another reason for not granting the petition is that vehicular access to

Chester A. Peck, Jr., et al - No. 72-55-R

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the appeal. However, that agreement (Petitioner's Exhibit No. 9) did not provide for any 60 foot buffer strip, as indicated in the previous Order of this Board of Appeals. Furthermore, upon the adoption of the new zoning maps, the entire frontage on York Road extending north from Charnuth Road, was zoned B.R. to within approximately 5 feet of the property line of the Petitioner herein.

Mr. Stanley J. Kroll, of the Office of Planning and Zoning of Baltimore County, testified that the new zoning maps were drawn with the B.R. zone commencing on York Road 150 feet south of the center line of Northampton Road and running south to Ridgely Road. As indicated by the witnesses in this case, this would place the B.R. zone in a line within approximately 5 feet of the Petitioner's southern property line extending for that distance along the southern boundary of the Petitioner's property. There was indication that this was perhaps error in scaling and should have actually abutted the property line of the Petitioner.

The Petitioner's witness, Mr. Eugene F. Raphael, a qualified engineer, testified and indicated that the proposed use for a savings and loan or a bank cannot use the present existing zoning, even with a special exception. He further indicated that a special exception would not grant the relief under other office uses because of the different requirements for setbacks. He further testified that the area of the property zoned D.R. 16 was originally 150 feet deep as measured from York Road, but now, as a result of additional State Road takings, the depth is 103 feet on the south side of the subject property and approximately 73 feet on the north side.

Additionally Mr. Hugh Gelston, a qualified real estate appraiser, indicated the area on both sides of York Road north and south of the property was, for the most part, heavily commercialized, and indicated that there was error in the zoning map in that the property should have been zoned B.R. Also, he indicated that there is an easement to within 5 feet of the steps of the property as it now exists, and the property, as a result of its size and takings, cannot be used for D.R. 16.

The Petitioner, Mr. Peck, further elaborated on the professional testimony, and indicated that he has had this property up for sale for quite some time and has had no

Chester A. Peck, Jr., et al - No. 72-55-R

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the subject is via a residential street, Northampton Road. I think it would be improper to reclassify the subject to B.R. with all of its permitted uses. However, if the Petitioner truly wants the property to be used for offices, he should petition for a Special Exception and for variances for any necessary change required for building setbacks. The Petitioner would be in harmony with the Comprehensive Zoning Map, which is presumed to be correct. The Petitioner has not proven otherwise and has not convinced this Board member that the D.R. 16 and D.P. 3.5 zoning is in error.

I therefore dissent from the majority opinion, and hereby affirm the Order of the Zoning Commissioner dated December 3, 1971.

John A. Slowik, Chairman

Dated: September 13, 1973

Chester A. Peck, Jr., et al - No. 72-55-R

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often other than those on a contingent basis of receiving zoning. Even that offer was terminated by additional State Road takings of the subject property. Mr. Peck further indicated that he wishes to sell the property because of the substantial changes in the character of the property all around him, not the least of which is the commercial parcel immediately to his south, which will house automobile dealers.

Mr. Frank Fisher, Assistant Chief of Master Planning for Baltimore County, was called as a witness for the Protestants to substantiate the position the County had taken with reference to the Planning Board recommendations for the subject property (Protestants' Exhibit A). However, Mr. Fisher indicated that as far as York Road is concerned, the Planning Department could have taken the approach to zone the entire road commercial; instead they recommended to retain the existing zoning based upon the erroneous assumption that there was a 60 foot buffer between the subject property and the B.R. zoning to the south. Mr. Fisher also indicated that the subject property is not feasible for resale for residential purposes. In addition, the Protestants had a professional real estate associate broker, Mr. Vincent Gallo, who testified that the reclassification would decrease the value of the surrounding homes. However, there was other testimony that the value of the homes had increased in value despite the fact that there was other extensive commercial zoning in the area. Mr. Gallo went on to say that he has been in the real estate business for twelve years and knows of no residential sales along York Road in this area during that time.

Several neighbors also testified in this case and expressed concern over the effect on their property values, as well as possible traffic problems, and also concern as to the type of use to which the property might be put.

For these reasons, and from all the testimony presented, the Board is convinced that the property cannot be used in its D.R. 3.5 and D.R. 16 zoning, and that it was an error to so zone it. Therefore, the requested petition to reclassify the subject 0.4 acres from D.R. 3.5 and D.R. 16 to B.R. is hereby granted.

RE: PETITION FOR RECLASSIFICATION : BEFORE THE
SE/corner of York Road and : ZONING COMMISSIONER
Northampton Road - 8th Dis- :
trict : OF
Chester A. Peck, Jr., et ux - :
Petitioners : BALTIMORE COUNTY
No. 72-55-R (Item No. 12) :
::: :::

The Petitioners request a Reclassification from D.R. 3.5 and D.R. 16 Zones to a B.R. Zone, for a parcel of property located on the southeast corner of York Road and Northampton Road, in the Eighth District of Baltimore County, consisting of 0.4 of an acre of land, more or less.

Testimony on behalf of the Petitioners indicated that the property in its present zoning could not be developed because of the setback requirements. Furthermore, in its adoption of the Comprehensive Zoning Map, the Baltimore County Council zoned the rest of the block to the south B.R., and the Petitioners feel that their property should also have been zoned B.R.

Residents of the area, in protest of the subject Petitioner, felt that the Baltimore County Council was not in error in keeping this property in a residential capacity, in that, Northampton Road and the subject property operate as a buffer between the commercial property to the south and residential property to the north and northeast.

Without reviewing the evidence further in detail but based on all the evidence presented at the hearing, in the judgment of the Zoning Commissioner, the Comprehensive Zoning Map, as adopted by the Baltimore County Council on March 24, 1971, is presumed to be correct, and the burden of proof is upon the Petitioner to show error. This burden has not been met.

There was an in depth study made of this area by the Baltimore County Council prior to the adoption of the map because the adjoining B.R. property, as described above, was the subject of an appeal to the Maryland Court of Appeals as the result of previous decisions made by the administrative agencies in zoning and by the courts. Furthermore, the property could be developed

Chester A. Peck, Jr., et al - No. 72-55-R

ORDER

For the reasons set forth in the foregoing Opinion, it is this 13th day of Sept., 1973, by the County Board of Appeals ORDERED, that the reclassification of 0.4 acres from D.R. 3.5 and D.R. 16 to B.R. zone petitioned for, be and the same is hereby GRANTED.

Any appeal from this decision must be in accordance with Chapter 1100, subtitle 3 of the Maryland Rule of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

W. Otter Parker

Robert L. Gilford

in its present classification if Variances were requested and granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 27 day of December, 1971, that the above Reclassification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and to remain D.R. 3.5 and D.R. 16 Zones.

Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
DATE 12/13/71 BY J. J. HARRIS

ORDER RECEIVED FOR FILING
DATE 12/13/71 BY J. J. HARRIS

CHESTER A. PECK, JR.
and
FRANCA PECK, his wife
vs.
EUGENE H. HAFNER and
E. WINONE HAFNER, his wife
GILBERT E. STOVER and
JANET I. STOVER, his wife
and
STELLA LEVEY, Widow

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Misc. docket 9
Folio 345
Case No. 5135

NOTICE OF APPEAL

Mr. Clerk:
Please enter an Appeal on behalf of Chester A. Peck, Jr.
and wife to the Court of Special Appeals of Maryland from the
Order entered in the above proceedings on April 26, 1974.

POWER AND MOSNER

By
William F. Mosner
21 W. Susquehanna Avenue
Towson, Maryland 21204
823-1250
Attorney for Chester A. Peck, Jr.
and wife, Appellants

I HEREBY CERTIFY that on this 23 day of May, 1974,
a copy of the foregoing Notice of Appeal was mailed to Anne
Kay Kramer, Esquire, Wiltonwood Road, Stevenson, Maryland 21153.

William F. Mosner

LAW OFFICE
POWER AND MOSNER
21 W. SUSQUEHANNA AVE.
TOWSON, MD. 21204

Hafner vs. Peck - 9/345/5135

3.

Protestants' Exhibit E - Letter from Del. Robert E. Stroble
dated 5/12/72 to John A. Slowik,
Chairman, County Bd. of Appeals

" " F - List of Protestants present at
hearing

Jan. 9, 1974 Record of proceedings filed in the Circuit Court for Baltimore County

Record of proceedings pursuant to which said Order was entered and
said Board acted are permanent records of the Zoning Department of Baltimore County, as
are also the use district maps, and your respondents respectfully suggest that it would be
inconvenient and inappropriate to file the same in this proceeding, but your respondents
will produce any and all such rules and regulations, together with the zoning use district
maps, at the hearing on this petition or whenever directed to do so by this Court.

Respectfully submitted

Edith T. Eisenhart, Administrative Secretary
County Board of Appeals of Baltimore County

RE: PETITION FOR RECLASSIFICATION
from D.R. 3.5 & D.R. 16 to B.R.
SE corner York Road and
Northampton Road
8th District-Central Sector
Chester A. Peck, Jr., et al
Petitioners
Zoning File No. 72-55-R
Eugene H. Hafner, et al
Protestants-Appellants

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Misc. Docket No. 9
Folio No. 345
File No. 5135

ANSWER TO ORDER OF APPEAL TO CIRCUIT
COURT FOR BALTIMORE COUNTY AND
CERTIFIED COPIES OF PROCEEDINGS BEFORE
THE ZONING COMMISSIONER AND BOARD
OF APPEALS OF BALTIMORE COUNTY

MR. CLERK:

Please file, &c.

cc: W.F. Mosner, Esq.
R.R. Bonds, Esq.
Mrs. A.K. Kimer
Zoning-Anderson

Edith T. Eisenhart, Administrative Secretary
County Board of Appeals of Baltimore County

RE: RECLASSIFICATION FROM D.R. 3.5
AND D.R. 16 TO B.R. ZONE
SE corner York and Northampton Roads
8th District, Central Sector
Chester A. Peck, Jr., et al
Petitioners

IN
THE
CIRCUIT COURT
OF
BALTIMORE COUNTY
MISC. DOCKET 9
FOLIO 345, FILE 5135

ORDER FOR APPEAL

Please note an appeal to the Circuit Court of Baltimore County,
on behalf of Protestants-Appellants Eugene H. Hafner and E. Winone Hafner,
his wife, Gilbert E. Stover and Janet I. Stover, his wife and Stella Levey,
widow, from an order of the Board of Appeals of Baltimore County, dated
September 13, 1973, in which the subject tract in the above captioned case
was reclassified from D.R. 3.5 and D.R. 16 to a B.R. zone.

Anne Kay Kramer
Anne Kay Kramer
Counsel for Protestants-Appellants
Wiltonwood Road
Stevenson, Md. 21153
Tel: 486-2069

I HEREBY CERTIFY that on this eleventh day of October, 1973, a
copy of the above Order for Appeal was forwarded to the Board of Appeals
of Baltimore County, 111 W. Chesapeake Avenue, Towson, Md., 21204.

Anne Kay Kramer
Anne Kay Kramer

RE: PETITION FOR RECLASSIFICATION
from D.R. 3.5 & D.R. 16 to B.R.
SE corner York Road and
Northampton Road
8th District-Central Sector
Chester A. Peck, Jr., et al
Petitioners
Zoning File No. 72-55-R
Eugene H. Hafner, et al
Protestants-Appellants

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Misc. Docket No. 9
Folio No. 345
File No. 5135

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come John A. Slowik, W. Giles Parker and Robert L. Gifford,
constituting the County Board of Appeals of Baltimore County, and in answer to the Order
for Appeal directed against them in this case, herewith return the record of proceedings
had in the above entitled matter, consisting of the following certified copies or originals
papers on file in the Office of the Zoning Department of Baltimore County:

ZONING ENTRIES FROM DOCKET OF ZONING
COMMISSIONER OF BALTIMORE COUNTY
No. 72-55-R
May 18, 1971 Comments of Baltimore County Zoning Advisory Committee - filed
Aug. 3 Petition of Frances and Chester Alan Peck, Jr. for reclassification from
D.R. 3.5 and D.R. 16 to B.R. zone, on property located on the south-
east corner of York and Northampton Roads, 8th District - filed
" 3 Order of Zoning Commissioner directing advertisement and posting of
property - date of hearing set for September 15, 1971 at 11:00 a.m.
" 26 Certificate of Publication in newspaper - filed
Sept. 2 Certificate of Posting of property - filed
" 15 At 11:00 a.m. hearing held on petition by Zoning Commissioner - case
held sub curia
Dec. 18 Order of Zoning Commissioner denying reclassification
" 31 Order of Appeal to County Board of Appeals from Order of Zoning
Commissioner filed
Oct. 5, 1972 Hearing on appeal before County Board of Appeals - case held sub curia
Sept. 13, 1973 Majority Opinion and Order of the County Board of Appeals granting
reclassification
" 13 Dissenting Opinion filed by John A. Slowik

NOTICE OF APPEAL

Please enter an Appeal to the County Board of Appeals
from the Order entered in the above proceedings on December 3,
1971.

POWER AND MOSNER

By
William F. Mosner, Esquire
21 W. Susquehanna Avenue
Towson, Maryland 21204
823-1250
Attorneys for Chester Alan
Peck, Jr. and Franca Peck,
Owners

Hafner vs. Peck - 9/345/5135

2.

Oct. 11, 1973 Order for Appeal filed in the Circuit Court for Baltimore County by
Anne Kay Kramer, attorney for protestants
" 12 Certificate of Notice sent to all interested parties
" 17 Petition to Accompany Order for Appeal filed in the Circuit Court for
Baltimore County
Nov. 7 Motion for Extension of Time for Filing of Record filed (to 12/10/73)
Dec. 5 Motion for Extension of Time for Filing of Record filed (to 1/9/74)
Jan. 9, 1974 Transcript of testimony filed - 1 volume

Protestants' Exhibit No. 1 - Official Zoning Map 3-C (1971)
1000 scale
" " 2 - Official Zoning Map - Timonium
Sheet 12-A, 200 scale (1971)
" " 3 - Office of Zoning Map dated
April 1955
" " 4 - Plat prepared by E. F. Raphael
" " 5 - Revised plat by E. F. Raphael
(Revision of Plat Exhibit 4)
" " 6 - (a, b, c) Photos of property across
York Rd. from subject property
" " 7 - (a, b, c, d) Photos of property on
opposite side of York Rd. to the
south of subject property
" " 8 - (a, b, c) Photos of Yorkridge
Shopping Center (southwest of
subject property)
" " 9 - Copy of Agreement between Arch-
bishop of Baltimore and neighboring
land owners dated March 26, 1970
" " 10 - Photocopy of Board of Appeals'
Opinion in case 108-29-2-SFH
" " 11 - Photocopy of petition for reclassifi-
cation from publication in Balti-
more Courier
Protestants' Exhibit A - Pages 28 and 29, Item No. 12,
Planning Board Recommendation
" " B - Letter from Edward O. Bernick, Esq.
with attachments, dated 9/5/72
" " C - Statement of Northampton Commu-
nity Assn., dated 6/20/72
" " D - 12 Photos of subject property mounted
on 1 sheet of cardboard (in back of
Appeals' office)

LAW OFFICE
POWER AND MOSNER
21 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204

June 20, 1974

Mrs. Edith T. Eisenhart
Board of Appeals
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Chester A. Peck, Jr.

Dear Mrs. Eisenhart:

Per your request, enclosed please find copy of the
Notice of Appeal to the Court of Special Appeals of Maryland,
in the above matter.

Very truly yours,

William F. Mosner

WFM:oy
Enclosure

MAY 17 1976

UNREPORTED

IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 339

September Term, 1974

CHESTER A. PECK, JR. et ux.

v.

EUGENE E. HAPHER et al.

Orth, C.J.
Davidson,
Moore, JJ.

Per Curiam

Filed: April 1, 1977

Rec'd 4-3-75
10 AM

On 5 August 1971 the appellants, Chester A. Peck, Jr., and Franca Peck, his wife (owners), filed a petition requesting reclassification of 0.4 ± acres of land located at the southeast corner of York and Northampton Roads in Baltimore County from the D.R.-3.5 zone (density residential, 3.5 dwelling units per acre) and the D.R.-16 zone (density residential, 16 dwelling units per acre) to the B.R. zone (business, roadside). On 3 December 1971 the Zoning Commissioner (Commissioner) found the evidence insufficient to establish error and denied the application. On 13 September 1977, the County Board of Appeals (Board) found on appeal that the subject property could not be used under its then existing zoning classifications and that, consequently, the County Council for Baltimore County (Council) had erred when it had assigned those classifications to the subject property by the adoption of the comprehensive zoning map on 24 March 1971. The Board granted the requested reclassification. The appellees, neighboring property owners (protestants), appealed to the Circuit Court for Baltimore County where on 25 April 1974 Judge John M. Maguire reversed the order of the Board. It is from that order that the owners bring this appeal.

The owners contend that the Council erred at the time of the adoption of the comprehensive zoning map because there was no "reason or justification" for attempting to protect the residential area lying east of the subject property

demarcation could have been drawn elsewhere does not establish "error" in a comprehensive zoning. Creswell v. Baltimore Aviation, 257 Md. 712, 722 (1970); Greenblatt v. Tonoy Schloss, 235 Md. 9, 13-14 (1964).

The owners contend that the residential classifications assigned to their property was based upon the erroneous assumption that the subject property and the other homes fronting upon the south side of Northampton Road were separated from the B.R. zoned tract lying to the south by a strip of residentially zoned land 60 feet in width, when, in fact, the strip of residentially zoned land was only five feet in width. There was evidence to show that in 1961 when the tract bordering the subject property on the south was reclassified to the B.R. zone, the northernmost 60 feet of that tract were not so reclassified but were left in a residential zone. At the time of the comprehensive zoning the staff of the Baltimore County Planning Board (Staff) sent forward a map indicating B.R. zoning for all of that tract other than the northernmost five feet, thereby substantially reducing the width of the residentially zoned strip separating the subject property from the commercial zoning on its south.

While there was evidence that the Staff may have erred in the location of the line of demarcation between the residential and commercial zones for properties fronting on York Road, there was no evidence to show that the Council in adopting the comprehensive zoning map was under any misapprehension as to

Yet the record shows that there is presently a modern single family, four bedroom, multiple-bath Cape Cod dwelling on the subject property in which the owners themselves reside. While the owners and a qualified realtor testified that the property was not salable as a residence, the owners ultimately conceded that their offers to sell the property were premised on commercial, not residential prices, and that no significant effort had been made to sell the property for residential purposes. The owners' own witnesses conceded that even after the road widening the subject property could be utilized appropriately as a combined residence and office by a doctor, dentist, lawyer, architect, engineer, artist, musician or other professional, a use permitted in the D.R.-16 zone. Finally, a witness presented by the owners, qualified as a land surveyor and engineer, and a witness presented by the protestants, who was a planner with the Baltimore County Office of Planning and Zoning, testified that even after the road widening the subject property was large enough to be used and should be used for an office building if a special exception were obtained. There was no probative

The land surveyor testified that if the subject property were reclassified to the B.R. zone it would be possible to locate and develop thereon a two story building, 40 feet by 62 feet, containing 2,480 square feet of space. He then stated that if the subject property were left in its then existing D.R.-16 and B.R.-3.5 classifications the building would have to be reduced in size or a special exception for parking in a residential zone would have to be obtained.

A witness qualified as a real estate appraiser, presented by the owners, testified that the subject property was too

BRIEF TO ACCOMPANY PECK PETITION

The Petitioners' property is the only parcel of land on the east side of York Road between Ridgeley Road and Northampton Drive that was put into a residential classification. All of the property south of the subject tract and running for a considerable distance easterly, will be developed into B-R uses leaving the subject tract in an isolated position and completely unsuitable for residential purposes. If B-R is to be allowed on the east side of York Road, then the entire frontage between Ridgeley Road and Northampton Drive should be in the B-R classification. The logical place to stop B-R use is the north side of Northampton Drive but not to cut it off one property to the south.

Further, the subject tract of land is directly across York Road from the Ridgeley Shopping Center which is a large C.C.C. district, which, by definition, is intended to serve between thirty thousand and fifty thousand persons. The proximity of this use and the traffic being generated on York Road make the subject tract unsuitable for residential purposes.

Further, directly across York Road from the subject tract and slightly to the north is a large M.R. (I.M) zone, the existence of which again shows that the subject tract is not properly classified for residential uses.

Further, the size of the subject tract is so small that it could not feasibly be used in the D.R. 16 category, nor is there similarly classified land with which it could be combined. The

only logical use for the subject tract is to combine it with the large existing B-R property which abuts it.

utilized for a variety of permitted and special exceptions uses in its then existing zoning classifications, the owners failed to show that the retention of those classifications constituted a confiscatory and unconstitutional taking which would compel reclassification. Rockville v. Stone, 271 Md. 655, 662-64 (1970); Trainer v. Lipchin, 269 Md. 667, 675-76 (1973); Stratkins, supra, at 654; Mayor and Council of Rockville v. Henley, 268 Md. 469, 477 (1973); Cabin John Ltd. v. Montgomery County, 259 Md. 661, 670 (1970); Montgomery County Council v. Kacur, 253 Md. 220, 229 (1969); Franklin Construction Co. v. Welsh, 251 Md. 715, 722-23 (1968); Tauber v. Montgomery County, 244 Md. 332, 337 (1966); Conpolino, supra, at 372.

The trial court was correct in reversing the Board's order which granted reclassification of the subject property to the B.R. zone. Accordingly, the order of the trial court will be affirmed.

ORDER AFFIRMED. COSTS TO
BE PAID BY APPELLANTS.

E. F. PAPHEL & ASSOCIATES
Registered Professional Land Surveyors
201 COURTLAND AVENUE
TOWSON, MARYLAND 21204

OFFICE: 810-9008

RESIDENCE: 771-4882

April 14, 1977

DESCRIPTION TO ACCOMPANY ZONING PETITION
R-10 TO BR & DR-16 to BR
PROPERTY OF C. ALAN PECK, JR. AND WIFE.

BEGINNING for the same at a point formed by the intersection on the south side of Northampton Road and the east side of York Road, running thence and binding on the south side of Northampton Road 50 ft. wide, N65°34'57"E 150.43 ft. thence leaving the south side of Northampton Road S19°51'30"E 120.37 ft. thence S65°54'57"W 150.46 ft. to the east side of York Road running thence and binding on the east side of York Road N19°51'30"W 120.37 ft. to the place of beginning.

CONTAINING 0.4 acres of land more or less.

BEING the property of C. Alan Peck, Jr. and wife.



E. F. Paphel
Eugene F. Paphel #2246
Registered Professional
Land Surveyor

December 3, 1971

William F. Mosner, Esquire
21 West Susquehanna Avenue
Towson, Maryland 21204

RE: Petition for Reclassification
S/Corner of York Road and
Northampton Road - 8th Dis-
trict
Chester A. Peck, Jr., et ux -
Petitioners
NO. 72-55-B (Item No. 12)

Dear Mr. Mosner:

I have this date passed my Order in the above cap-
tioned matter. Copy of said Order is attached.

Very truly yours,
Eric D. Henna
S. ERIC D. HENNA
Zoning Commissioner

SDS/szl

Attachments

cc: Mr. J. Russ 'i Schultheis
Vice President
Greater Timonium Community Council,
Incorporated
2 East Nylesbury Road
Lutherville-Timonium, Maryland 21093
Mr. Eugene J. Caruso
President
Northampton Community Association,
Incorporated
108 Gorsuch Road
Lutherville-Timonium, Maryland 21093

Item 12

A field investigation revealed that a very high bank exists for the entire
frontage of the property along York Road creating a potential traffic hazard and
compounding the already peak capacity for traffic along York Road. Any entrance
constructed for a proposed office building should be from Northampton Road and
not from York Road.

Very truly yours,

Edward D. Hardesty
EDWARD D. HARDESTY
Chairman

CLM:mc

cc: Mr. Edward D. Hardesty
Zoning Commissioner

William F. Mosner, Esquire
21 West Susquehanna Avenue
Towson, Maryland 21204

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

May 18, 1971

COUNTY OFFICE BLDG.
111 E. CHESAPEAKE ST.
TOWSON, MARYLAND 21204

OFFICE OF THE
ZONING COMMISSIONER

MEMBERS

BUREAU OF
ENGINEERING

DEPARTMENT OF
TRAFFIC ENGINEERING

STATE BOARD OF
ZONING

BUREAU OF
FIRE PREVENTION

HEALTH DEPARTMENT

PROJECT PLANNING

BUILDING DEPARTMENT

BOARD OF EDUCATION

ZONING ADMINISTRATION

SEWERAGE
DEVELOPMENT

Mr. George E. Garveris
Director
Office of Planning and Zoning
300 Jefferson Building
Towson, Maryland 21204

RE: Item 12 (April - October 1971)
Property Owner: Franca and Chester A.
Peck
Location: S/E corner York and North-
ampton Roads
Present Zoning: D.R. 16 and D.R. 3.5
Proposed Zoning: Reclassification to
B.R.
District: 8th Sector: Central
No. Acres: 0.4

Dear Mr. Garveris:

The Zoning Advisory Committee has reviewed the plans
submitted with the above referenced petition and has made an on
site field inspection of the property. The following comments are
a result of this review and inspection.

The subject property is presently improved with a dwelling
with the properties to the north and east improved with dwellings ten
(10) to twenty (20) years of age in excellent repair. The property to
the south is a property owned by the Ford Development Company which is
going to be developed as an automotive new car agency. The property to
the west is improved with an office and research center and the Ridgely
Shopping Center. York Road and Northampton Road in this location are
improved as far as concrete curb and gutters are concerned. However,
a portion of the frontage along York Road is not.

BUREAU OF ENGINEERING:

Highways:

This site has frontage on York Road and Northampton Road.

York Road is a State Road; therefore, all improvements, inter-
sections and entrances on this road will be subject to State Roads
Commission requirements.

Northampton Road is an existing County Road, which has been improved
to minor residential standards.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Edward Hardesty
FROM: Oliver L. Myers
Date: May 13, 1971

SUBJECT: Item #12 (April - October 1971)
Property Owner: Franca and Chester A. Peck
Location: S/E corner York and Northampton Roads
Present Zoning: D.R. 16 and D.R. 3.5
Proposed Zoning: Reclass. to B.R.
District: 8th Sector: Central
No. Acres: 0.4

The following comments are furnished in regard to the plat submitted
to this office for review by the Zoning Advisory Committee in connection
with the subject item.

Highways:

This site has frontage on York Road and Northampton Road.

York Road is a State Road; therefore, all improvements, intersections
and entrances on this road will be subject to State Roads Commission require-
ments.

Northampton Road is an existing County Road, which has been improved
to minor residential standards.

Storm Drains:

The Petitioner must provide necessary drainage facilities (temporary
or permanent) to prevent creating any nuisances or damages to adjacent
properties, especially by the concentration of surface waters. Correction
of any problem which may result, due to improper grading or improper
installation of drainage facilities, would be the full responsibility of
the Petitioner.

Onsite drainage facilities serving only areas within the site do not
require construction under a County contract. Such facilities are considered
private and therefore must conform to the County Plumbing and Building Codes.

York Road is a State Road. Therefore, drainage requirements as they
affect the road come under the jurisdiction of the Maryland State Roads
Commission.

Sediment Control:

Development of this property through stripping, grading and stabilization
could result in a sediment pollution problem, damaging private and public
holdings below this property, and sediment control is required by State law.
A grading permit is, therefore, necessary for all grading, including the
stripping of top soil.

Item 12

Storm Drains

The Petitioner must provide necessary drainage facilities (temporary or
permanent) to prevent creating any nuisances or damages to adjacent properties,
especially by the concentration of surface waters. Correction of any problem
which may result, due to improper grading or improper installation of drainage
facilities, would be the full responsibility of the Petitioner.

On site drainage facilities serving only areas within the site do not
require construction under a County contract. Such facilities are considered
private and therefore must conform to the County Plumbing and Building Codes.

York Road is a State Road. Therefore, drainage requirements as they
affect the road come under the jurisdiction of the Maryland State Roads
Commission.

Sediment Control:

Development of this property through stripping, grading and stabilization
could result in a sediment pollution problem, damaging private and public
holdings below this property, and sediment control is required by State law.
A grading permit is, therefore, necessary for all grading, including the stripping
of top soil.

Grading studies and sediment control drawings will be necessary to be
reviewed and approved prior to the issuance of any grading or building permits.

Water and Sanitary Sewers

Public water and sewer facilities are available to benefit this property.

Water service within the site from the public system must be in accordance
with the Baltimore County Building, Plumbing and Fire Prevention Codes. The
service connection to the sewer shall be in accordance with the standards of the
Baltimore County Department of Public Works.

The Petitioner is entirely responsible for the construction of his on site
private sanitary sewerage, which must conform with the Baltimore County Plumbing
Code.

PROJECT PLANNING DIVISION:

This office has reviewed the subject site plan and offers the following
comments:

This application should not be considered as the proposed use is
permitted in a D.R.16 Zone.

Item #12 (April - October 1971)
Property Owner: Franca and Chester A. Peck
Page 2
May 13, 1971

Sediment Control: (Cont'd)

Grading studies and sediment control drawings will be necessary to be
reviewed and approved prior to the issuance of any grading or building
permits.

Water and Sanitary Sewers:

Public water and sewer facilities are available to benefit this property.

Water service within the site from the public system must be in
accordance with the Baltimore County Building, Plumbing and Fire Prevention
Codes. The service connection to the sewer shall be in accordance with the
standards of the Baltimore County Department of Public Works.

The Petitioner is entirely responsible for the construction of his on site
private sanitary sewerage, which must conform with the Baltimore County Plumbing
Code.

END-ENH:mc

cc: File (3)

Key Sheet: S-GE
Position Sheet: 50 NW 1
Topo: NW 13 A
Tax: 60

Edward D. Hardesty
EDWARD D. HARDESTY, P.E.
Chief, Bureau of Engineering

Item 12

BUILDING ENGINEER'S OFFICE:

Petitioner to meet all applicable requirements of Baltimore County
Building Code and Regulations. See multiple occupancies Section 400.3 and
Business Occupancies Section 401.

STATE ROADS COMMISSION:

The proposed curb along York Road is to be 36" from the center of the
road. The proposed right-of-way line is 142' from the center of the road. The
curb shall return into Northampton Road on a 30' radius.

There is a high steep bank along the York Road frontage of the subject
site. It would be extremely difficult to construct an entrance on an acceptable
grade at this location, therefore, it is our opinion that all access to the site
should be by way of Northampton Road.

DEPARTMENT OF TRAFFIC ENGINEERING:

The subject petition of .4 acres as presently zoned could generate
50 trips per day, while as B.R. could generate 200 trips per day.

The subject petition is within the York Road corridor which at the
present time, is at capacity. This increased trip density can be expected only
to compound the problem.

DEPARTMENT OF HEALTH:

Public water and sewer are available to the site.

Air Pollution Comments: The building or buildings on this site may
be subject to registration and compliance with the Maryland State Health Air
Pollution Control Regulations. Additional information may be obtained from
the Division of Air Pollution, Baltimore County Department of Health.

FIRE PREVENTION BUREAU:

The owner shall be required to comply with all applicable requirements
of the 101 Life Safety Code, 1967 Edition, and the Fire Prevention Code when
construction plans are submitted for approval.

BOARD OF EDUCATION:

No bearing on student population.

ZONING ADMINISTRATION DIVISION:

It would appear that the Petitioner's request has no basic reasoning
behind it since a medical office can be obtained in a D.R.16 Zone with a Special
Exception as well as parking can be obtained in a D.R.3.5 Zone by Special Hearing.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Oliver Myers
FROM: Ian J. Forrest
Date: May 13, 1971

SUBJECT: Item 12

12. Property Owner: Franca & Chester A. Peck
Location: S/E Cor. York & Northampton Rds.
Present Zoning: D.R. 16 & D.R. 3.5
Proposed Zoning: Reclass. to B.R.
District: 8th Sector: Central
No. Acres: 0.4

Public water and sewer are available to the site.

Air Pollution Comments: The building or buildings on this
site may be subject to registration and compliance with the Maryland
State Health Air Pollution Control Regulations. Additional informa-
tion may be obtained from the Division of Air Pollution, Baltimore
County Department of Health.

Edward D. Hardesty
EDWARD D. HARDESTY, P.E.
Chief
Water and Sewer Section
BUREAU OF ENVIRONMENTAL HEALTH

IJF/ca

1000

YORKRIDGE REALTY CO., INC.
FOR METES & BOUNDS SEE PLAT NO. 41985

ITEM NO. 63640

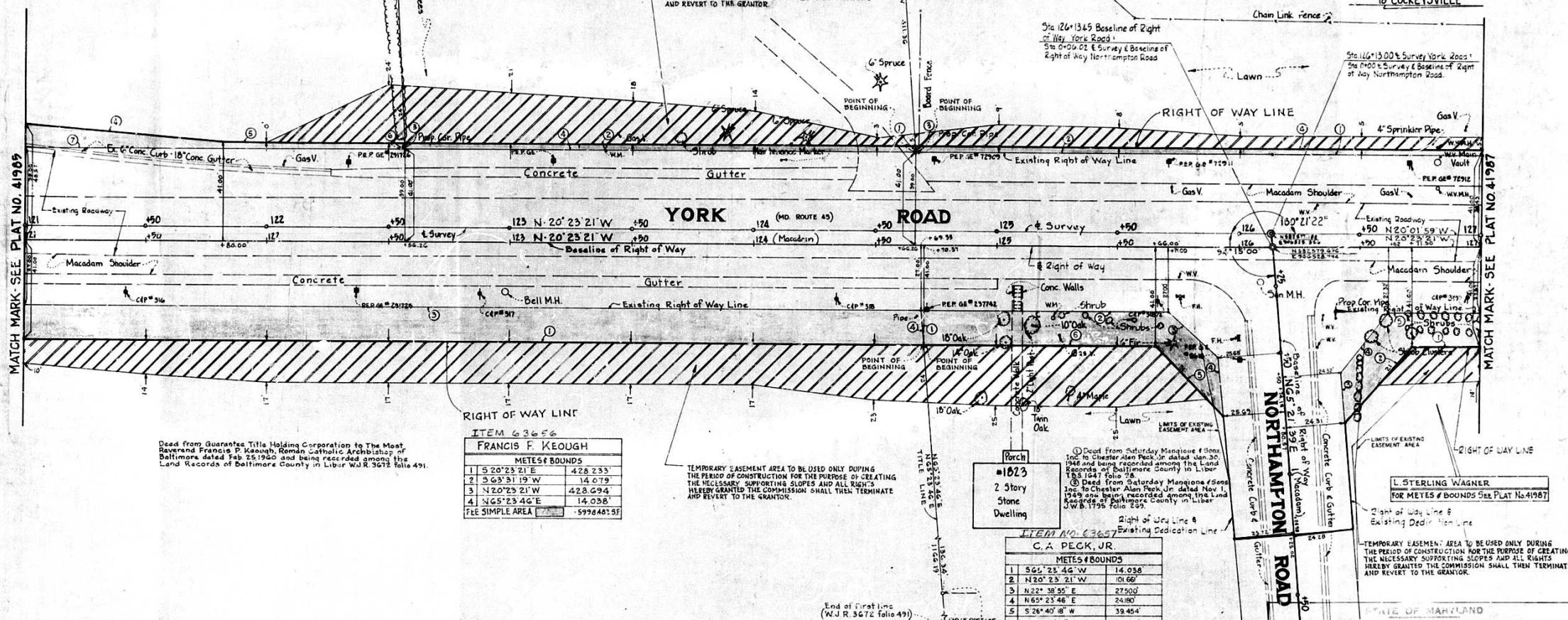
METES & BOUNDS	
1	365°32'35" W 2.005
2	9°20'23'21" E 210.000
3	N 65°32'35" E 2.005
4	N 20°23'21" W 210.000
FEE SIMPLE AREA 420.000 SF	

Dead from Dmytro Fall to Ridgely Realty Company Inc. dated July 30 1967 and being recorded among the Land Records of Baltimore County in Liber O.T.G. 5020 folio 418.

ASSOCIATED SERVICES INC.
FOR METES & BOUNDS
SEE PLAT NO. 41987.

UNITEC
1 Story Brick Building

To BALTIMORE CITY LINE



Dead from Guarantee Title Holding Corporation to The Most Reverend Francis P. Keough, Roman Catholic Archbishop of Baltimore dated Feb 25 1960 and being recorded among the Land Records of Baltimore County in Liber W.B.R. 3615 folio 491.

ITEM NO. 63656

FRANCIS F. KEOUGH	
METES & BOUNDS	
1	S 20°23'21" E 428.233
2	S 23°31'19" W 14.079
3	N 20°23'21" W 428.094
4	N 65°23'46" E 14.038
FEE SIMPLE AREA 5998.481 SF	

TEMPORARY EASEMENT AREA TO BE USED ONLY DURING THE PERIOD OF CONSTRUCTION FOR THE PURPOSE OF CREATING THE NECESSARY SUPPORTING SLOPES AND ALL RIGHTS HEREBY GRANTED THE COMMISSION SHALL THEN TERMINATE AND REVERT TO THE GRANTOR.

Dead from Saturday Mangione & Sons Inc. to Chester Alan Peck, Jr. dated Jan 30 1946 and being recorded among the Land Records of Baltimore County in Liber B.S. 1547 folio 78.
Dead from Saturday Mangione & Sons Inc. to Chester Alan Peck, Jr. dated Nov 1 1949 and being recorded among the Land Records of Baltimore County in Liber J.W.B. 1795 folio 259.

ITEM NO. 63657

C.A. PECK, JR.	
METES & BOUNDS	
1	S 64°23'46" W 14.038
2	N 20°23'21" W 101.661
3	N 22°38'55" E 27.500
4	N 65°23'46" E 24.180
5	S 26°40'18" W 39.454
6	S 30°23'21" E 95.633
FEE SIMPLE AREA 1868 SF	

L. STERLING WAGNER
FOR METES & BOUNDS SEE PLAT NO. 41987

TEMPORARY EASEMENT AREA TO BE USED ONLY DURING THE PERIOD OF CONSTRUCTION FOR THE PURPOSE OF CREATING THE NECESSARY SUPPORTING SLOPES AND ALL RIGHTS HEREBY GRANTED THE COMMISSION SHALL THEN TERMINATE AND REVERT TO THE GRANTOR.

STATE OF MARYLAND
DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY ADMINISTRATION
STATE ROADS COMMISSION

LEGEND

- REVERTIBLE EASEMENT FOR SUPPORTING SLOPES
- REVERTIBLE EASEMENT OR RIGHT FOR SPECIAL PURPOSE AS INDICATED BY NOTATION ON THIS PLAT
- PERPETUAL EASEMENT FOR SPECIAL PURPOSE AS INDICATED BY NOTATION ON THIS PLAT
- PERPETUAL EASEMENT FOR DRAINAGE FACILITY AS INDICATED BY NOTATION ON THIS PLAT
- PERPETUAL EASEMENT TO DISCHARGE FLOW OF WATER FROM OR INTO EXISTING WATERWAY OR NATURAL DRAINAGE COURSE
- PERPETUAL EASEMENT TO DISCHARGE FLOW OF WATER UPON EXISTING GROUND
- APPROXIMATE GENERAL DRAINAGE FLOW PATTERN (NOT TO SCALE FOR EXPLANATORY PURPOSE ONLY)

Fee Simple Area to be acquired shown thus

BOOK NO. 18354
13444
PART OF PLAT 9350

REVISIONS
REV. 7-29-71
REV. 8-13-71

LOCATED IN Baltimore COUNTY

PREPARED BY Geo. Wm. Stephens, Jr. & Associates, Inc.
PE 4467

CONSTRUCTION PROJECT: Maryland Route 45 (York Road)
From Ridgely Road to Timonium Road

CONSTRUCTION PROJECT NO. B-777-2-471

SENT TO RECORD OFFICE 19

FINALIZED BY CHAIRMAN 19

RIGHT OF WAY PROJECT: MD. R.T. 45 (York Road)
FROM RIDGELEY RD TO TIMONIUM RD
922-1-47

RIGHT OF WAY PROJECT NO.
FEDERAL AID PROJECT NO.

ISSUED 8-13-71

SCALE 1"=10'

PLAT No. 41986